

### **REMARKS**

Claims 1, 3 – 9 and 11 – 17 are currently pending in this application, as amended. By the present amendment, claim 1, 4, 5, 7, and 12 have been amended, and claims 2 and 10 have been canceled. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

### **TELEPHONE INTERVIEW**

The undersigned discussed this case with the Examiner in a telephone interview on November 18, 2010, and in particular paragraph [0015] which explains that the emergency program allows “the operation of the internal combustion engine at a lower power level,” and paragraph [0019] which states that the emergency program allows operation “with a partial load and/or reduced rpm.” No agreement was reached.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

Claims 1, 3, 8, 10 - 14 and 17 were rejected under 35 U.S.C. §102 as anticipated by JP 62-035154 to Kadota et al. Applicant respectfully traverses this rejection.

Claim 1 has been amended to incorporate claim 2 and claim 10, and accordingly, this rejection has been rendered moot.

### **CLAIM REJECTIONS – 35 U.S.C. §103**

Claims 2 and 7 were rejected under 37 U.S.C. §103 as unpatentable over the combination of Kodata et al. and JP 2003/184682 to Inada. Claims 4-6 and 15 were also rejected under 35 U.S.C. §103 as unpatentable over the combination of Kadota et al. and Inada. Applicant respectfully traverses these rejections. To the extent that claim 1 now includes the subject matter of claims 2 and 10, and is also

supported by the disclosure at paragraph [0029], these rejections will be addressed with respect to claim 1.

Claim 1 is directed to a power transmission drive including a synchronous drive for an internal combustion engine with which a rotating angle between a driven member and a drive member can be detected. A member of the power transmission drive includes an electronic controller which interacts with a control system of the internal combustion engine. A sensor, comprising a transducer, detects an oscillating angle deviation, a rotating angle deviation, an irregularity in RPM, or a correcting movement between the driven member and the drive member and sends a signal to the controller which calculates a control parameter. Upon detection of a defined limit value being exceeded, the controller initiates an emergency program that enables operation of the internal combustion engine at a lower power level. See paragraphs [0015] and [0019] for support. A free engine clutch is allocated to the driven member or the drive member and protects the power transmission drive for an accelerated angular velocity of the power transmission drive. The controller is provided with a fault memory that is adapted to detect both limit value-exceeding measurement values and measurement values that correspond to a tolerance array set for the defined limit value, for predicting an imminent failure of the free engine clutch. See paragraph [0029].

Kadota et al. specifically teaches that, upon receiving the high level signal S "the engine output limiting portion 51b limits an increase in output of an engine to prevent the occurrence of the gear skip in the timing belt 41." Limiting of the increase in output of an engine based on the high level signal being exceeded can not meet the present claim requirement that upon detection of a defined limit value being exceeded for a control parameter that an emergency is initiated that enables operation of the internal combustion engine at a lower power level. Kadota et al.

teach that the output of the engine is maintained at its same level, which is not a lower level.

Inada is cited as teaching a fuel injection pump with a free engine clutch to prevent reverse rotation. However, neither Kadota et al. or Inada provide a fault memory that is adapted to detect both limit value-exceeding measurement values and measurement values that correspond to a tolerance array set for the defined limit value, for predicting an imminent failure of the free engine clutch. Kadota et al. lacks the free engine clutch as admitted in the Action, and there would be no suggestion of using the fault memory in conjunction with a controller to predict an imminent failure of an element that is not present in Kadota et al.

Accordingly, withdrawal of the section 103 rejection of claim 1 is respectfully requested.

The remaining claims depend directly or indirectly from claim 1 and should be similarly patentable.

Claim 9 was rejected under 35 U.S.C. §103 as unpatentable over the combination of Kadota et al. and JP 62-180157 to Inagaki et al. Applicant respectfully traverses this rejection.

Claim 9 depends from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1. While Inagaki et al. is cited as teaching a controller that sends an optical signal if an optical angle deviation or rotation angle deviation exceeds a limit value, it does not address the deficiencies noted above with respect to Kadota et al. Accordingly, withdrawal of the Section 103 rejection of claim 9 is respectfully requested.

Claim 16 was rejected under 35 U.S.C. §103 as unpatentable over the combination of Kadota et al. and U.S. 2004/0251758 to Wilmore. Applicant respectfully traverses this rejection.

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Claim 16 depends from claim 1 and should be patentable for the reasons noted above in connection with claim 1. Wilmore is cited as teaching a starter generator which can be run in both the starting mode and the generator mode. However, this reference is silent with respect to the deficiencies of Kadota et al. Accordingly, withdrawal of the Section 103 rejection of claim 16 is respectfully requested.

**CONCLUSION**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience in order to address any such matters.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1, 3 – 9 and 11 – 17, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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